IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 32359 of 2006(B)

PETITIONER:

SAJEEV, AGED 32 YEARS,
S/O.SASI, THAKIDIVILAKATHU HOUSE,
KEEZHAROOR VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY (HOME), GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SUB INSPECTOR OF POLICE,
KALLAMBALAM, THIRUVANANTHAPURAM DISTRICT.

3. THE CIRCLE INSPECTOR OF POLICE,
VARKALA, THIRUVANANTHAPURAM DISTRICT.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
ATTINGAL, THIRUVANANTHAPURAM DIST.

5. THE DISTRICT SUPERINTENDENT OF POLICE
(RURAL), THIRUVANANTHAPURAM.

6. THE DISTRICT LABOUR OFFICER,
THIRUVANANTHAPURAM.

7. KERALA TODDY AND ABKARI WORKERS
CONGRESS (INTUC), ATTINGAL, THIRUVANANTHAPURAM
DISTRICT, REPRESENTED BY ITS GENERAL SECRETARY,
V.S.AJITH KUMAR.

8. S.V.BIJU, S/O.SURENDRAN,
MOOZHINADATHARIKKATHU HOUSE, PANAVOOR P.O.,
NEDUMANGADU, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.RENIL ANTO KANDAMKULATHY FOR R7 AND R8
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE TODDY SHOP LICENSE NO.106/2005-06 IN RESPECT OF TODDY SHOP NO.13, THATTUPALAM ISSUE*D BY THE ASST.EXCISE COMMISSIONER, THIRUVANANTHAPURAM DATED 7.4.2006.

EXT.P2: COPY OF THE CERTIFICATE DATED 28.6.2005 ISSUED BY THE WELFARE FUND INSPECTOR, KERALA TODDY WORKERS WELFARE FUND BOARD, THIRUVANANTHAPURAM.

EXT.P3: COPY OF THE LETTER DATED 20.4.2006 ISSUED BY THE 7TH RESPONDENT TO THE PETITIONER.

EXT.P4: COPY OF THE PETITION DATED 26.4.2006 SUBMITTED BEFORE THE 2ND RESPONDENT.

EXT.P5: COPY OF THE PETITION DATED 27.4.2006 SUBMITTED BEFORE THE 2ND RESPONDENT WITH COPIES TO RESPONDENTS 3 TO 6.

EXT.P6: COPY OF THE JUDGMENT DATED 4.8.2006 IN W.P.(C).12139/2006 OF THIS HON'BLE COURT.

EXT.P7: COPY OF THE ORDER NO.LR(1)3481/06 DATED 20.10.2006 PASSED BY THE 6TH RESPONDENT.

EXT.P8: COPY OF THE LETTER DATED 3.11.2006 ISSUED BY THE 7TH RESPONDENT TO THE PETITIONER.

EXT.P9: COPY OF THE LETTER DATED 7.11.2006 ISSUED BY THE 7TH RESPONDENT TO THE PETITIONER.

EXT.P10: COPY OF THE PETITION DATED 10.11.2006 SUBMITTED BEFORE THE 2ND RESPONDENT.

EXT.P11: COPY OF THE REGISTRATION CARD DATED 20.2.2006 ISSUED TO THE 8TH RESPONDENT BY THE WELFARE FUND INSPECTOR, THIRUVANANTHAPURAM.

J.B. KOSHY & K.PADMANABHAN NAIR, JJ.

W.P.(C) No. 32359 of 2006 B

Dated this the 12th day of December, 2006

Judgment

Koshy,J.

This is a petition for police protection. Petitioner is the licence holder of toddy shop No.13 in Varkala Excise Range. An interim order of protection was already granted in W.P. (C) No.12139 of 2006. Thereafter, after hearing, the above interim order was confirmed by judgment dated 4.8.2006 (Ext.P6 judgment). However, contention of the workers that denial of employment of two persons S.V. Biju (8th respondent in this case) and G. Chandrababu. It was noticed by the court that their case was pending adjudication. Court also noticed the undertaking of the petitioner to pay wages to them if they loose the case. By Ext.P7 District Labour Officer found that 8th respondent S.V.Biju is an employee whereas G. Chandrababu was not an employee at all. Petitioner filed another writ petition Ext.P7 order of the District Labour Officer. We are not expressing any opinion regarding the merits of that dispute. Petitioner submits that disputed amount of wages payable upto 31.3.2007 can be deposited before Assistant Excise Commissioner. It is

submitted by the contesting respondents unions that there is also an allegation that illicit liquor is being sold in the toddy shop. The Excise Commissioner and police should check the quality of the liquor and whether any illicit liquor is being sold in that shop and if so they are bound to take appropriate action as provided under the Abkari Laws, but, that is not a aground for taking law in the hands of the employees or unions.

In the above circumstances, police is directed to grant protection on depositing Rs.75,000/- before the Assistant Excise Commissioner. Whether the amount is liable to be paid to any of the employees is to be decided after finality of the dispute.

We also record the undertaking of the petitioner that if any amount is payable legally to the workers, they will pay the amount.

The writ petition is disposed of.

J.B.KOSHY
JUDGE

K.PADMANABHAN NAIR
JUDGE

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